

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEHZADI & BRENJIAN CARPET

Plaintiff,

ANSWER

-against-

Docket No. 07-CV-7073

Judge/Magistrate Judge: Barbara S. Jones/Douglas F. Eaton

Date: October 31, 2007

DAVID & SON ORIENTAL ANTIQUE
RUGS CORPORATION AND
DAVID SHADAN

Defendant(s).

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Defendants, David & Son Oriental Antique Rugs Corporation ("David & Son") and David Shadan ("Shadan"), by and through their counsel, the Law Office of James J. Corbett, hereby submits their Answer to the Complaint as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "1" of the plaintiff's complaint and denies defendants breached multiple agreements to purchase various carpets.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "2" of the plaintiff's complaint.
3. With regard to paragraph "3" denies David & Son lacks corporate formalities and commingles funds with Shadan.
4. With regard to paragraph "4" denies all allegations except admits Shadan is the Chairman and Chief Executive Officer of David & Son.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "5", "6", "7", "8", "9", "12", "13", "14", "15", "18", "19", "20", "21", "24", "25", "26", "27", "30", "31", "32", "33", "36", "37", "38",

“39”, “42”, “43”, “44”, “45”, “48”, “49”, “50”, “51”, and “54” of the plaintiff’s complaint.

6. With regard to paragraphs “10”, “16”, “22”, “28”, “34”, “40”, “46” and “52” denies except admits plaintiff delivered carpets to defendant, David & Son.

7. With regard to paragraphs “11”, “17”, “23”, “29”, “35”, “41”, “47” and “53” denies except admits defendant, David & Son, received carpets from plaintiff.

AS AND FOR AN ANSWER TO
PLAINTIFF’S FIRST CLAIM FOR RELIEF

8. With regard to paragraph “55”, defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph “1” through “7” of defendants’ answer with the same force and effect as if repeated herein at length.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs “56”, “57”, “58”, “59” and “60” of the plaintiff’s complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF’S SECOND CLAIM FOR RELIEF

10. With regard to paragraph “61”, defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph “1” through “9” of defendants’ answer with the same force and effect as if repeated herein at length.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs “62”, “63”, “64”, “65” and “66” of the plaintiff’s complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S THIRD CLAIM FOR RELIEF

12. With regard to paragraph "67", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "11" of defendants' answer with the same force and effect as if repeated herein at length.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "68", "69", "70", "71" and "72" of the plaintiff's complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S FOURTH CLAIM FOR RELIEF

14. With regard to paragraph "73", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "13" of defendants' answer with the same force and effect as if repeated herein at length.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "74", "75", "76", "77" and "78" of the plaintiff's complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S FIFTH CLAIM FOR RELIEF

16. With regard to paragraph "79", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "15" of defendants' answer with the same force and effect as if repeated herein at length.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "80", "81", "82", "83" and "84" of the plaintiff's complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S SIXTH CLAIM FOR RELIEF

18. With regard to paragraph "85", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "17" of defendants' answer with the same force and effect as if repeated herein at length.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "86", "87", "88", "89" and "90" of the plaintiff's complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S SEVENTH CLAIM FOR RELIEF

20. With regard to paragraph "91", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "19" of defendants' answer with the same force and effect as if repeated herein at length.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "92", "93", "94", "95" and "96" of the plaintiff's complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S EIGHTH CLAIM FOR RELIEF

22. With regard to paragraph "97", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "21" of defendants' answer with the same force and effect as if repeated herein at length.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "98", "99", "100", "101" and "102" of the plaintiff's complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

24. Plaintiff's claims are barred by the Statute of Frauds.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

25. Plaintiff fails to state a cause of action against defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

26. The Court lacks personal jurisdiction over the defendants.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

27. Plaintiff failed to properly serve the summons and complaint on defendants.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

28. The Court lacks subject matter jurisdiction over this action.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

29. Plaintiff is stopped from bringing this action.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

30. Plaintiff's claims are barred in whole, or in part, by the applicable statute of limitations.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

31. Plaintiff's claims are barred by the doctrine of unclean hands.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

32. Plaintiff's claims are barred by laches.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

33. Any damages sustained by plaintiff are a result of its own wrongful and unlawful conduct.

AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE

34. Plaintiff failed to mitigate any alleged damages.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

35. Plaintiff's claims are barred by the doctrine of forum non conveniens.

WHEREFORE, the defendants, David & Son and Shadan, demand judgment as follows:

- (a) Dismissing the complaint in its entirety;
- (b) For its costs and disbursements including reasonable attorneys' fees; and
- (c) For such other and further relief as the Court deems just, equitable and proper.

Dated: Bellmore, New York
November 2, 2007

Yours, etc.,

Law Office of James J. Corbett

By: 

JAMES J. CORBETT (JC6658)

*Attorney for Defendants,
David & Son Oriental Antique Rugs
Corporation and David Shadan*
254 Pettit Avenue
Bellmore, New York 11710
(516) 679-9494

TO: Kevin A. Fritz, Esq.
Storch, Amini & Munves PC
*Attorney for Plaintiff,
Behzadi & Brenjian Carpet*
2 Grand Central Tower
140 E. 45th Street
25th Floor
New York, NY 10017
(212)-497-8238